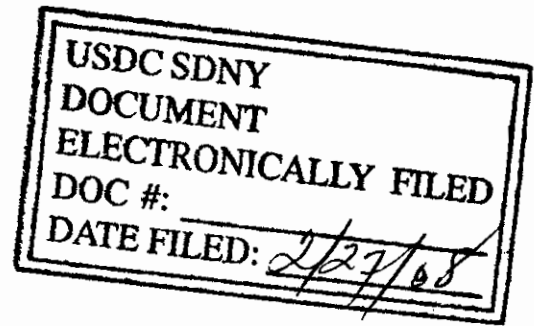


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February 25, 2008

BY FAX (212) 805-7941

Honorable Loretta A. Preska, U.S.D.J.
United States Courthouse
500 Pearl Street, Room 1320
New York, New York 10007

Re: *Niraj Chaturvedi d/b/a Global Gem Traders, Inc.*
v. Richard E. O'Connell, as Chapter 7 Trustee
Civil Case No. 08-cv-00249-LAP

Dear Judge Preska:

The undersigned are the attorneys for the Appellee, Richard E. O'Connell, as Chapter 7 Trustee for the Estate of Niraj Chaturvedi d/b/a Global Gem Traders, Inc. On February 4, 2008, the Court endorsed a letter from the undersigned dated February 1, 2008, allowing Appellant until February 8, 2008 to respond. To date, no response has been filed by Appellant.

On January 28, 2008, the Court granted the parties' request for a *sine die* extension of the briefing schedule because the transcript of the hearing below had yet to be transcribed. The transcript of the hearing on the order appealed from has now been transcribed. It is therefore respectfully requested that Appellee be permitted to file the motion to dismiss on grounds that the Notice of Appeal is untimely, so that we do not have to begin briefing the appeal.

SO ORDERED

Loretta A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

February 26, 2008

cc: Ira Abel, Esq., Attorney for Appellant

Very truly yours,

Deborah Dobbin
Deborah Dobbin